



Summit County Planning Commission (SCPC)

Thursday June 27, 2019 - 3:00 p.m.

County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Meeting Agenda

- | | | |
|----|---|-----------------------|
| A. | Call to Order | Chair Mavrides |
| B. | Roll Call | Smith |
| C. | Approval of the May 30, 2019 SCPC Minutes | Chair Mavrides |
| D. | Business Items | Knittel |

New Business

Item # 1 – Olde Oak Preliminary Plan – Bath Township – The applicant is proposing 7 sublots, Total area 24.4396 Acres. To be serviced by septic and well water.

Item #2 – Massillon Road Industrial Park - Springfield Township – The applicant is proposing splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Item # 3 – Holhauer Road Riparian Variance – Sagamore Hills Township – The applicant is requesting a variance from the Riparian Ordinance in order to be able to construct a home on the parcel.

Item # 4 – Ch. 17 Fences, Text Amendment – Twinsburg Township – The applicant is proposing an amendment of Ch. 17 General Provisions to establish the ability for residential property owners to have front yard fences, provided that they do not exceed 4 ft. in height. Currently no fences are permitted closer than 25 ft. to any right-of-way.

- | | | |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director | Tubbs |
| F. | Comments from Public | Chair Mavrides |
| G. | Comments from Commission Members | Chair Mavrides |
| H. | Other | |
| | 1. Legal Update | Nott |
| I. | Adjournment | Chair Mavrides |

County of Summit
Ilene Shapiro, County Executive
Summit County Planning Commission
Thursday, May 30, 2019 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Minutes of May Meeting

Members Present: George Beckham, Becky Corbett, Allen Mavrides, Jeff Snell, Dennis Stoiber, Jason Segedy, and Robert Terry

Members Absent: Jerry Feeman, Helen Humphrys, David Kline, and Jeff Wilhite

Staff: Dennis Tubbs, Stephen Knittel, Dave Nott, and Cazz Smith Jr.

Others: John Allege – *JJJ Properties*, Kevin Hoffman – *Polaris Engineering & Surveying*, Joe Paradise – *SCE*, Don Faulhaber – *resident from Richfield TWP*, Mark Majewski – *Northstar Planning and Design LLC*, Randy Bergdorf – *Boston TWP Trustee*

I. Call to Order

Allen Mavrides called the meeting to order on **Thursday, May 30, 2019** at **3:00 pm** in the County of Summit Council Chambers, 175 South Main Street, 7th Floor, Akron Ohio 44308. A roll call was conducted by **Cazz Smith** the attending members constituted a quorum.

II. Approval of the April 25, 2019 Meeting Minutes

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X	X		X		
Corbett, Becky	X			X		
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X			X		
Snell, Jeff	X			X		
Stoiber, Dennis	X		X	X		
Terry, Robert	X			X		
Wilhite, Jeff						

Motion

George Beckham made a motion to approve the minutes of the **April 25, 2019** meeting, and it was seconded by **Dennis Stoiber** the motion passed with no abstentions.

III. Business Items

A. New Business – (4) items

Item # 1 – Preliminary Plan & Variance – Columbia Rd - Richfield Township - Located east of Brecksville Road, at the terminus of Columbia Road. The applicant proposes to add approximately 1700 LF of proposed roadway to be dedicated at the end of existing Columbia Rd, (approx. 1550 LF) to end in a cul-de-sac. The applicant is requesting a variance from Subdivision Regulation 1108.10 (a) Cul-de-sac, which states a commercial/industrial park cul-de-sac shall not be exceed 1,300' in length. The proposed roadway to go through parcel 4802322 and terminating in parcel 4802159. The site is proposed to be serviced by Central Water (Cleveland Water) and Sewer (will tie into Village of Richfield's System).

Staff Recommendation: 1a: Approval of Variance Request

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky	X			X		
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X		X	X		
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X			X		
Wilhite, Jeff						

- John Allege from JJJ Properties gave explanation of their proposal and added an emergency driveway will be developed for emergency vehicles from Columbia Road.
- Jason Segedy asked if the emergency drive will allow access from Black Road.
- John Allege from JJJ Properties replied yes.
- Jeff Snell stated that the buffer is substantial.
- Laurie Pinney representing Richfield Township submitted a letter with her comments in the May 30, 2019 SCPC packet in her absence.
- Joe Paradise from SCE stated his request for adjustments before planning commission.
- Don Faulhaber residing at 5145 Hecker Drive, Richfield Township stated his concerns.
- Kevin Hoffman from Polaris Engineering & Surveying responded to Mr. Faulhaber's concerns.

Motion

A motion was made by **Dennis Stoiber** to approve **Item # 1a – Variance – Columbia Rd - Richfield Township** it was seconded by **Jason Segedy** the motion passed with no abstentions.

Item # 1 cont.

Item # 1 – Preliminary Plan & Variance – Columbia Rd - Richfield Township - Located east of Brecksville Road, at the terminus of Columbia Road. The applicant proposes to add approximately 1700 LF of proposed roadway to be dedicated at the end of existing Columbia Rd, (approx. 1550 LF) to end in a cul-de-sac. The applicant is requesting a variance from Subdivision Regulation 1108.10 (a) Cul-de-sac, which states a commercial/industrial park cul-de-sac shall not be exceed 1,300' in length. The proposed roadway to go through parcel 4802322 and terminating in parcel 4802159. The site is proposed to be serviced by Central Water (Cleveland Water) and Sewer (will tie into Village of Richfield's System).

Staff Recommendation: 1b: Conditional Approval of Preliminary Plan with due consideration to SCE comments.

SCPC Action:

Conditional Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky	X			X		
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X			X		
Snell, Jeff	X	X		X		
Stoiber, Dennis	X		X	X		
Terry, Robert	X			X		
Wilhite, Jeff						

Motion

A motion was made by **Jeff Snell** to conditionally approve **Item # 1b – Preliminary Plan – Columbia Rd - Richfield Township** with due consideration to SCE comments, it was seconded by **Dennis Stoiber** the motion passed with no abstentions.

Item # 2 Replat - Hickory Ridge – Bath Township – Located near the cul-de-sac terminus of Aspenwood Rd. The applicant is proposing to alter the lot line between sublots 12 and 13 creating sublots 12-R (3.045 acres) and 13-R (3.297 acres). This includes vacating the existing utility easement located between the lots.

Staff Recommendation: Approval with the suggestion of making corrections the SCE office noted.

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky	X					X
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X			X		
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X		X	X		
Wilhite, Jeff						

- Applicant and applicant representative were not present for the May 30, 2019 meeting.
- Bath Township was not present for May 30, 2019 meeting.
- Joe Paradise from SCE stated concerns written on the original plat.
- All SCPC members present were in favor of voting on this item even though the applicant was not present.

Motion

A motion was made by **Dennis Stoiber** to approve **Item # 2 Replat – Hickory Ridge – Bath Township** with corrections suggested by SCE, it was seconded by **Robert Terry** the motion passed with one abstention from **Becky Corbett**.

Item # 3 – Text Amendment - Business Corridor Regulations – Boston Township - The Northfield Center Township Zoning Resolution be amended in regards to the township’s business corridor regulations, amendments include Chapter 7 Business Corridor, Chapter 12 Signs, Chapter 2 Definitions and Chapter 8 Conditional Zoning Certificates.

Staff Recommendation: Approval of proposed text amendments with due consideration from staff, SCPC, and SCE comments.

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky	X			X		
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X			X		
Snell, Jeff	X		X	X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X			X		
Wilhite, Jeff						

- Mark Majewski from Northstar Planning and Design LLC stated his reason for request.
- Dennis Stoiber raised a question of consistency on all setbacks.
- Joe Paradise from SCE gave suggestions on the language of this text amendment.

Motion:

A motion was made by *Dennis Stoiber* to approve **Item # 3 – Text Amendment – Business Corridor Regulations – Boston Township** with due consideration from staff, SCPC and SCE comments, it was second by *Jeff Snell* the motion passed with no abstentions.

Item # 4 – Text Amendment - Section 403 Accessory Buildings– Boston Township – The Boston Township Zoning Resolution Section 403 Accessory Buildings be amended to increase the allowed size of accessory buildings and to state the number of accessory buildings allowed per lot.

Staff Recommendation: Approval of proposed text amendments with due consideration of comments from SCPC.

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X		X	X		
Corbett, Becky	X			X		
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason	X			X		
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X			X		
Wilhite, Jeff						

- Randy Bergdorf a trustee from Boston Township stated his reason for the request.
- Dennis Stoiber asked for the definition of an accessory building.
- Jeff Snell stated a principle building is usually a residential structure.
- Randy Bergdorf stated they would correct the language.
- No comments from public.

Motion:

A motion was made by **Dennis Stoiber** to approve the language in **Item # 4 – Text Amendment – Section 403 Accessory Buildings– Boston Township** with due consideration of comments from SCPC, it was second by **George Beckham** the motion passed with no abstentions.

IV. Report from Assistant Director

During a future SCPC meeting, the Assistant Director would like to present upcoming initiatives to the planning commission.

V. Comments from Public

No public comments.

VI. Comments from Planning Commission Members

Allen Mavrides mentioned Copley Township had a public hearing regarding their properties and it was turned down.

VII. Other

Stephan Knittel welcomed Dave Nott as the commission's new legal consultant.

Joe Paradise from SCE mentioned Pulte Homes filed a permit request for the Liberty Lakes parcel.

VIII. Next Meeting

The next Summit County Planning Commission meeting will be held on *Thursday, June 27, 2019*.

XI. Adjournment

Being no further business to come before the Planning Commission, *Dennis Stoiber* made a motion to adjourn, and it was seconded by *Jason Segedy*. The motion passed unanimously. The meeting adjourned at 3:55 *pm*.



Planning Commission
Preliminary Plan
Olde Oak
Bath Township

EXECUTIVE SUMMARY

The site is located in Bath Township, on W. Bath Rd. west of N. Hametown Rd. The applicant proposes 7 sublots, Total area 24.4396 Acres. An 874 LF cul-de-sac is proposed. The site is proposed to be serviced by Well and Septic.

Staff recommends **CONDITIONAL APPROVAL**.

Meeting:	June 27, 2019	Parcels:	0400056, 0406693, 0407563
Item No.:	1	Streets:	874 LF
Owner/Dev.:	High Pines Properties LLC	Utilities:	Well & Septic
Engineer:	Dennis Stoffer, Spagnuolo & Assoc.	Council Dist.:	
Zoning:	R-2		
Site Area:	26.4396 Acres	Processor:	Stephen Knittel

Location: The site is located in Bath Township, on W. Bath Rd. west of N. Hametown Rd.

Proposal: The applicant proposes 7 sublots, Total area 24.4396 Acres. An 874 LF cul-de-sac is proposed. The site is proposed to be serviced by Well and Septic.

Site History:

- The concept plan was held on March 15th 2019, the development was previously called High Pines Concept Plan
- A site walkthrough was held on June 13th 2019.

Agency Comments *Italicized text indicates quotations from submitted agency comments.*

Summit County Engineers Office: Andy Dunchuck 6/19/2019:

Our office has reviewed the above referenced preliminary plan (formerly known as High Pines Subdivision) in Bath Twp. and has the following comments:

1. *An intersection and stopping sight distance study must be completed at the Olde Oak Place and W. Bath Rd intersection. An unobstructed sight line must be maintained within the sight triangles.*

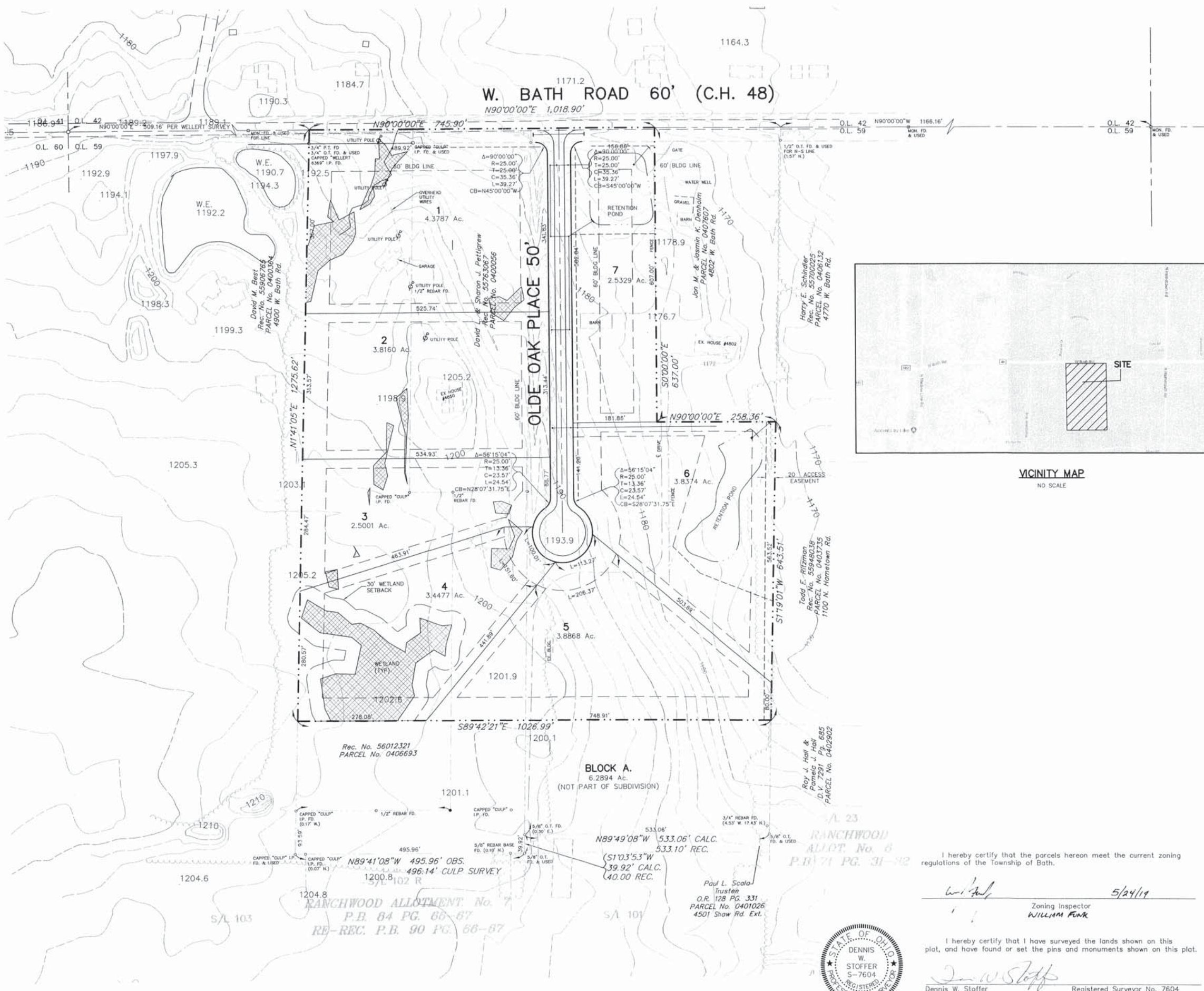
2. *The Traffic Impact Questionnaire must be completed to determine if any additional studies or improvements are warranted.*
3. *There must be an onsite overland flow path to the stormwater management basins for the 100 Year Storm Event.*
4. *A minimum 12' wide maintenance access driveway from the road to the stormwater management basins and a minimum 20' wide driveway around the perimeter of basins is required. The maximum cross slope of the driveway shall be 10:1 and the slope shall not exceed 15%. The driveway shall be constructed with suitable material (approved by the SCE) to prevent rutting of maintenance vehicles. A minimum 20' wide easement is required over the driveway.*
5. *A 20' wide easement extending beyond the limits of the 100 Year Storm Elevation is required around the perimeter of the stormwater management basins.*
6. *For the proposed cul-de-sac, a minimum 45' pavement radius and 60' R/W radius is required.*
7. *The minimum pavement width for a street without curb is 22'.*
8. *All requirements of the SCE Stormwater Drainage Manual, Current Edition must be satisfied.*

Summit Soil & Water: Alison Capoun 6/13/2019: *We have no comment at this time.*

DoSSS: Ross Nicholson 6/13/2019: *As each property will be served by individual on-site septic systems, and DSSS has no sanitary sewer facilities at this location, we have no objection to the proposed preliminary plan. Developer's Engineer will need to verify that the proposed on-site systems are in accordance with the current 208 Plan for this area.*

Staff Comments: Show the dedicated Open Space on the Preliminary Plan.

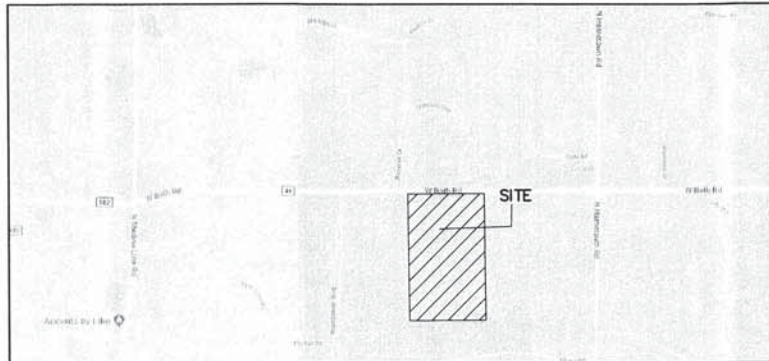
Recommendation: Staff recommends **CONDITONAL APPROVAL** of the Olde Oak Preliminary Plan on the conditions of meeting the comments made by the Summit County Engineers Office, the Dept. of Sanitary Sewer Services and Planning Staff.



BASIS OF BEARINGS: N90°00'00"E ON THE CENTERLINE OF WEST BATH ROAD AS SHOWN ON A SURVEY PREPARED BY WELBERT CORPORATION IN MARCH, 1998.

PERTINENT DOCUMENTS USED

1. DEEDS AS SHOWN HEREON.
2. PLATS AS SHOWN HEREON.
3. BOUNDARY SURVEY SPLIT PREPARED BY WELBERT CORPORATION IN MARCH, 1998.
4. SURVEY PREPARED BY LAURI R. CULP IN DECEMBER, 2013.



VICINITY MAP
NO SCALE

TOTAL PROJECT DATA

TOTAL AREA	26.4396 ACRES
NUMBER OF LOTS	7
AREA IN LOTS	24.3996 ACRES
AREA IN ROADS	2.040 ACRES
LENGTH OF STREETS	874 L.F.
DENSITY	1 LOT/3.49 AC.

**BATH TOWNSHIP ZONING: R-2
RESIDENTIAL**

MIN. LOT AREA	2.5 AC.
MIN. LOT WIDTH:	
AT BUILDING SETBACK LINE	150 FEET
AT STREET RIGHT OF WAY	100 FEET
FRONT SETBACK	60 FEET
SIDE YARD	20 FEET
REAR YARD	50 FEET
MAX. HEIGHT	35 FEET

GENERAL NOTES

1. NO ROCK OUTCROPPINGS ON SITE.
2. NO ABANDONED MINES ON SITE.
3. NO EXTENSIVE CHANGE OF TOPOGRAPHY CONTEMPLATED.
4. NO POWER LINES OR TOWERS ON SITE.
5. NO RAILROAD TRACKS ON SITE.
6. NO SITES FOR USE OTHER THAN SINGLE FAMILY DWELLINGS ON OR NEAR THE SITE.
7. EROSION CONTROL SHALL BE AS DIRECTED BY THE SUMMIT COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE SUMMIT COUNTY ENGINEER.
8. THE PROJECT IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS SHOWN ON FIRM MAP 39153C0091F DATED APRIL 19, 2016.
9. ALL SUBDIVISION ENTRY SIGNAGE AND LANDSCAPING TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
10. LOTS TO BE SERVICED WITH INDIVIDUAL SEPTIC SYSTEMS AND WATER WELLS.
11. WETLANDS ARE AS DELINEATED BY HWZ ENVIRONMENTAL.
12. PROJECT IS SURROUNDED BY R-2 ZONING DISTRICT.

Prepared By
SPAGNUOLO & ASSOCIATES, LLC
ENGINEERS - SURVEYORS
3057 WEST MARKET STREET, SUITE 201
FAIRLAWN, OHIO 44133
(330) 836-6661

Preliminary Plan For
OLDE OAK SUBDIVISION
PART OF O.L. 59
TOWNSHIP OF BATH
COUNTY OF SUMMIT
STATE OF OHIO

I hereby certify that the parcels hereon meet the current zoning regulations of the Township of Bath.

William Funk
Zoning Inspector
WILLIAM FUNK
5/24/19

I hereby certify that I have surveyed the lands shown on this plat, and have found or set the pins and monuments shown on this plat.

Dennis W. Stoffer
Dennis W. Stoffer
Registered Surveyor No. 7604





Planning Commission
Replat
Massillon Road Industrial Park
Springfield Township

EXECUTIVE SUMMARY

The site is located in Springfield Township, on Piction Parkway, north of Boyer Parkway, east of Pickle Rd. The applicant proposes Splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Staff recommends **APPROVAL**.

Meeting:	June 27, 2019	Parcels:	5110449
Item No.:	2		
Engineer:	Joe Burgoon	Council Dist.:	8, Paula Prentice
Site Area:	26.4396 Acres	Processor:	Stephen Knittel

Location: The site located in Springfield Township, on Piction Parkway, north of Boyer Parkway, east of Pickle Rd.

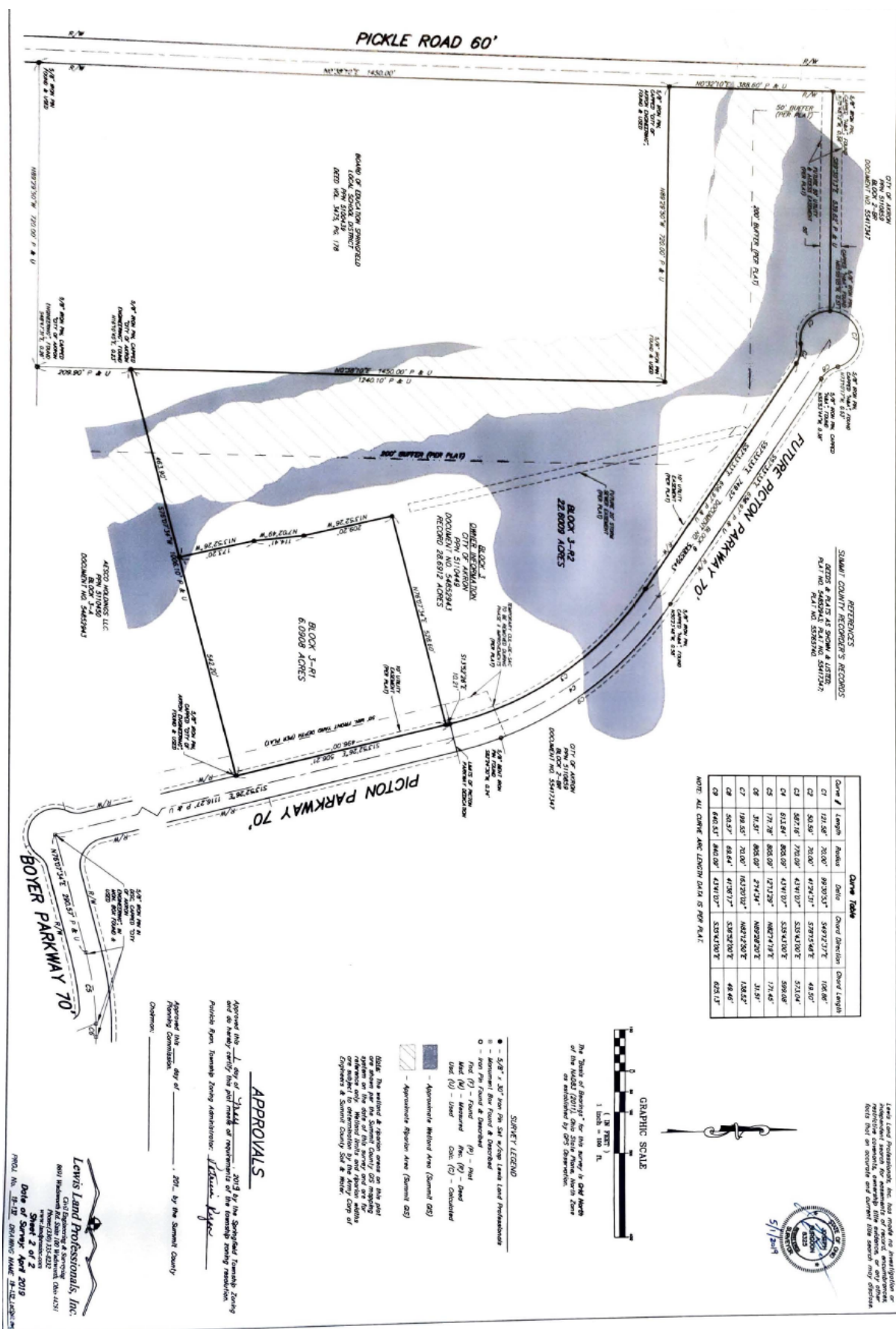
Proposal: The applicant proposes Splitting Block 3 and creating Blocks 3-R1 (6.0908 Acres) and 3-R2 (22.6009 Acres).

Environmental: There are environmental constraints on the site, Riparian setbacks and Wetland areas, specifically within proposed Block 3-R2.

Staff Comments:

This Replat is proposing splitting a lot and creating a new subplot, thereby increasing the number of sublots within the Platted allotment which is why this Replat is required to come before the Summit County Planning Commission.

Recommendation: Staff recommends **APPROVAL** of the Massillon Road Industrial Park Replat.







Planning Commission
Riparian Variance
7528 Holzhauser
Sagamore Hills Township

EXECUTIVE SUMMARY

The site is located in Sagamore Hills Township at 7528 Holzhauser (parcel 4503620). The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.

Staff recommends **APPROVAL**.

Item No.: 3	Parcel No.: 4503620
Meeting: June 27, 2019	Area: 0.3 acres
Owner: David & Jeffery Snyderburn	Council District: 1, Ron Koehler
Agent: Paul Karnow	Processor: Stephen Knittel

Proposal: The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.

Agency Comments: *Italicized text indicates quotations from submitted agency comments.*

SWCD: Alina Godbey, 06/19/2019:

This letter is regarding parcel 4503620, located in Sagamore Hills Township at 7528 Holzhauser Road. The applicant is proposing to build a new residential structure on the property. To do so, an area within the riparian setback would need to be impacted so that equipment can access the site during construction.

A stream with a watershed of 1.1 square miles is located on the property directly south of this parcel. The base riparian setback extends 75 feet from the ordinary high water mark of the stream and into this parcel. A wetland also exists on the parcel, however following a wetland delineation and US Army Corps jurisdictional determination, the wetland was determined by Summit SWCD to not be connected to the riparian setback, and therefore does not fall under the Summit County riparian ordinance.

In order to access the southeast corner of the home during construction, a portion of the base riparian setback would need to be cleared and disturbed by construction equipment. An outlet for downspouts and footer drains would also be installed within the riparian setback. According to Summit County Chapter 937.07, "The following uses are specifically prohibited within the riparian

setback: ... (d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations. (e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations." This project is proposing to clear, disturb soil, and operate machinery within the riparian setback, which are considered prohibited uses under the riparian setback ordinance.

The homeowners and site designers have worked with the Summit SWCD and have made a good faith effort to move the proposed home as far as possible out of the riparian setback area. If this variance is granted to the homeowners, the riparian setback should be replanted with native trees and vegetation following construction, to restore its function as a natural buffer area. Further, the outlet for the downspouts and footer drains will need to be designed to properly dissipate flow to prevent scouring and erosion.

Staff Comments:

Per the report from Summit Soil and Water Conservation District:

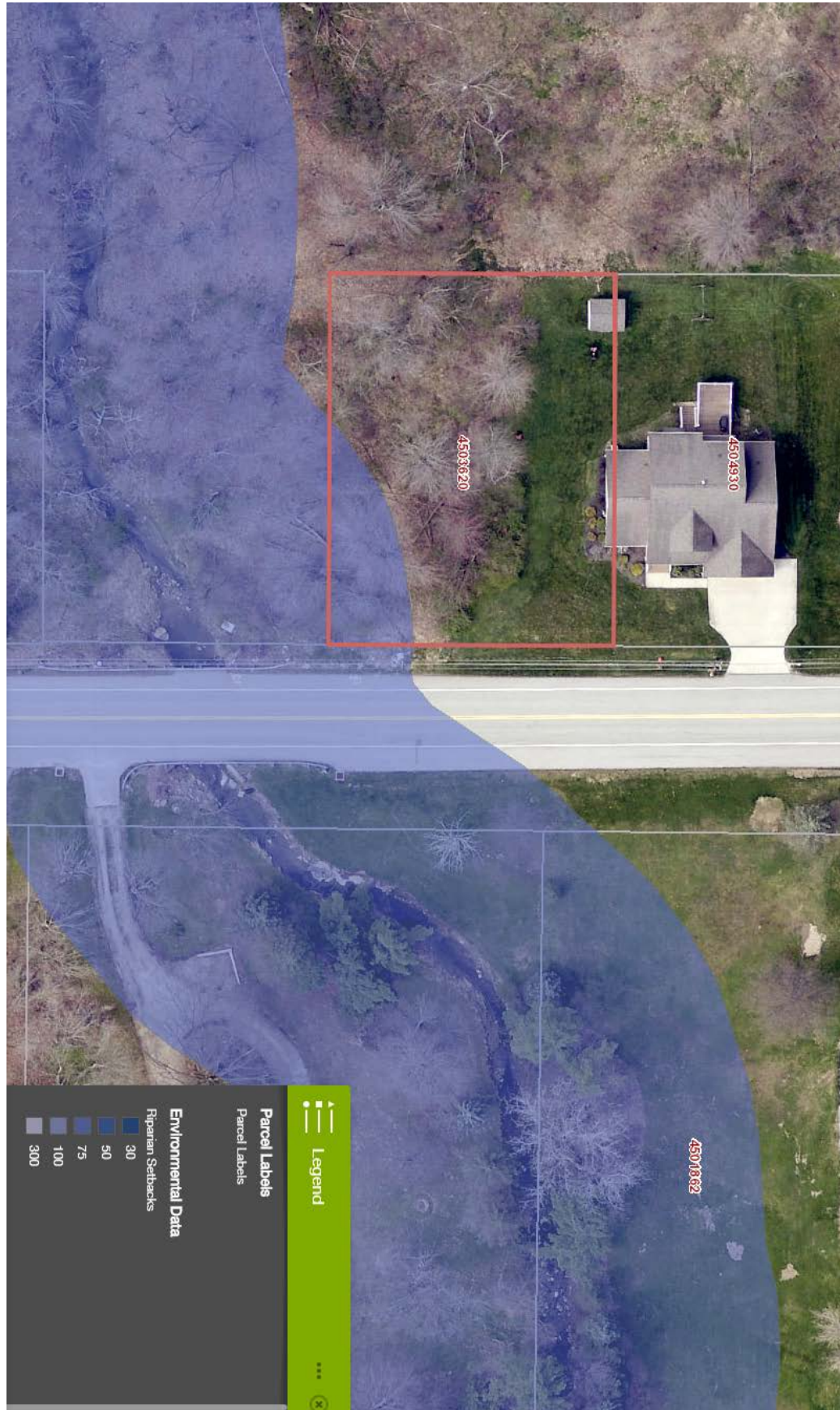
- The proposed building of new structures within the riparian setback is non-conforming.
- The homeowners and site designers have made a good faith effort to move the proposed home as far as possible out of the riparian setback area, while maintaining reasonable front yard setbacks.
- In order to access the southeast corner of the home during construction, a portion of the base riparian setback would need to be cleared and disturbed by construction equipment.
- An outlet for downspouts and footer drains would also be installed within the riparian setback.
- A wetland also exists on the parcel, however following a wetland delineation and US Army Corps jurisdictional determination, the wetland was determined by Summit SWCD to not be connected to the riparian setback, and therefore does not fall under the Summit County riparian ordinance.
- According to Summit County Chapter 937.07, "The following uses are specifically prohibited within the riparian setback: ... (d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations. (e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations." This project is proposing to clear, disturb soil, and operate machinery within the riparian setback, which are considered prohibited uses under the riparian setback ordinance.

- If this variance is granted to the homeowners, the riparian setback should be replanted with native trees and vegetation following construction, to restore its function as a natural buffer area. Further, the outlet for the downspouts and footer drains will need to be designed to properly dissipate flow to prevent scouring and erosion.

Per the applicant:

- The property was acquired before May 29, 2002 when the Riparian Setback Ordinance was enacted.
- The hardship was created by enactment of the riparian setback post creation of the parcel. As stated, every effort has been made to minimize the impact while at the same time preventing the investment in the parcel from losing its entire value by implementation of the riparian setback.
- The home will be outside the setback but the use of the setback area is critical to construction and final grading

Recommendation: SCPC Staff defers to Summit SWCD Staff's recommendation for the Variance to be **APPROVED**.



**APPLICATION FOR RESIDENTIAL VARIANCE WITHIN RIPARIAN SETBACK
SUMMIT COUNTY, OHIO**

This form shall be completed by the applicant and submitted at least fifteen (15) days prior to a regularly scheduled Summit County Planning Commission meeting. A variance review fee of \$350.00 (made payable to the **Summit SWCD**) must accompany application. If you have questions or need assistance while filling out this application, please call the **Summit SWCD** at 330-929-2871.
(Type or print)

Applicant: David & Jeffery Snyderburn (Paul Karnow agent)

Street Address: 154 E. Aurora Road #356 (agent)

City, Village, or Township: Northfield, Ohio Zip Code: 44067

Phone: 330-468-2892 FAX: _____ Email: paulk@kraftechhomes.com

Location of property: 7528 Holzhauer Rd., Sagamore Hills, OH 44067

Parcel number (s): 4503620

Stream name (if unnamed, nearest named stream it flows into): Unnamed tributary to Cuyahoga River

Owner of property: David & Jeffery Snyderburn

Street Address: 19206 Rashall

City, Village, or Township: Bedford, Ohio Zip Code: 44146

Phone: 216-406-3965 FAX: _____ Email: psnyderburn@ameritechinc.com

Give a brief description of the nature of the variance: permit grading and construction equipment within the riparian setback to construct home at the edge nearest the riparian setback.

JUSTIFICATION OF VARIANCE:

Written justification for the requested variance shall be made. Responses to the following questions shall be provided.

1. How far is the proposed project (i.e., construction of any buildings, decks, roads or utilities) from the stream? 75 (feet)

2. Explain how the stream and riparian area may be affected by this variance. _____
The stream will not be impacted as a result of the variance request and the riparian setback will be impacted to allow for construction equipment to excavate the corner of the home and set trusses.

The impact will be minimal and temporary so to allow for construction and establishment of final grade

3. Explain how the properties upstream and downstream from you may be affected:

There will be no impact to upstream or downstream properties as this is an isolated impact.

4. Explain how the variance from the Riparian Setback Ordinance will not be contrary to the public interest:

Granting of a variance would be consistent with the public interest inasmuch as the riparian setback was implemented after the establishment of the parcel and placed an undue hardship on the parcel. The public interest is such that a previously established parcel should not be encumbered with a hardship based on a change in regulations.

5. Explain whether the variance requested is substantial.

The variance request is minimal and even so supported by inference given that the USACE has granted a permit to allow for the filling of wetlands on the parcel so as to accommodate construction of a home.

6. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land?

Yes	No	Land feature
<u> </u>	<u>X</u>	Steep slopes (ravines with slopes too steep to build upon)
<u>X</u>	<u> </u>	Wetlands (characterized by soils that remain wet, support typical "wetland" vegetation)
<u> </u>	<u>X</u>	Floodplain (areas adjacent to stream or river where floodwaters leave deposits.)

If answer is "yes" to any above, please explain.

USACE has granted a permit to fill the wetlands required. See attached.

7. Please explain the practical difficulties or unnecessary hardship which will result from a literal enforcement of the Riparian Setback Ordinance?

Literal enforcement will require unconventional construction methods. The home will be outside the setback but the use of the setback area is critical to construction and final grading

8. What alternatives to the variance have been explored?

The size, configuration and location of the home have been redesigned to fit the parcel without encroaching within the riparian setback. Original and preferred design had the foundation within the riparian setback but compromise was made to minimize the impact.

9. Did you acquire the property before or after May 29, 2002, when the Riparian Setback Ordinance was enacted? Yes. Parcel was created prior to 2002 and purchase was 1997, see attached
How were you made aware of the Riparian Setback Ordinance?

when designing the house plot plan

10. Explain how the spirit and intent behind the Riparian Setback Ordinance will be observed if the variance is granted:

The hardship was created by enactment of the riparian setback post creation of the parcel. As stated, ever effort has been made to minimize the impact while at the same time preventing the investment in the parcel from losing its entire value by implementation of the riparian setback.

11. Explain how the requested variance is the minimum variance to the Riparian Ordinance that will allow for a reasonable division of land. (This question pertains only to the creation of new lots).

Action of the Summit County Planning Commission should be sent to:

Applicant: David & Jeffery Snyderburn

Address: 19206 Rashall, Bedford, OH 44146

Respectfully submitted this 28th day of May, 2019

I certify that all information contained in this application and its supplements are true and correct.



Signature of Applicant or Authorized Representative
Matthew L. Weber, P.E. (Authorized Representative)

05-28-2019

Date

For Office Use Only

Fee Amount Paid: _____

Date Application Received: _____

Staff: _____

Comments: _____

OF
SUBLOT NO. 4

P.P.N. 45-03620

RECORDED IN PLAT CABINET "L", PAGES 153-154
IN THE

TOWNSHIP OF SAGAMORE HILLS
SUMMIT COUNTY, OHIO

FOR
KRAFTTECH INC.

THE HENRY G. REITZ ENGINEERING CO.
4214 ROCKY RIVER DR., CLEVELAND OH. 44135
PH: (216) 251-3033 EMAIL: REITZ@REITZENG.COM

BY V. PRES.

JAMES T. SAYLER REG. SURVEYOR NO. S-7425
SCALE 1" = 20' FEBRUARY, 2019

REVISED 3/28/19
MOVED HOUSE

REVISED 3/30/19
UPDATED WETLANDS
INFOR. & AC.

NOTE:

1. BEFORE EXCAVATION CALL OHIO UTILITIES PROTECTION SERVICE AT 1-800-362-2764.
2. SEWER INFORMATION TAKEN FROM PROPOSED IMPROVEMENT PLANS.
3. ORANGE CONSTRUCTION FENCE TO BE INSTALLED PRIOR TO CONSTRUCTION.
4. CONTRACTOR MUST CHECK BENCH MARK WITH PAVEMENT GRADE BEFORE ANY EXCAVATION OR WORK IS STARTED.
5. CLEAR TREES AND BRUSH AS NECESSARY TO ESTABLISH SWALES.
6. HUNG PLUMBING IS REQUIRED.
7. PRIOR TO CONSTRUCTION, BASEMENT AND FOOTER ELEVATIONS ARE TO BE VERIFIED BY THE BUILDER/CONTRACTOR AND IF A DISCREPANCY EXISTS BETWEEN THE HOUSE PLANS AND THIS PLOT PLAN, TOWNSHIP OF SAGAMORE HILLS AND THE HENRY G. REITZ ENGINEERING CO. SHALL BE NOTIFIED

—□— DENOTES EXISTING GUARD RAIL

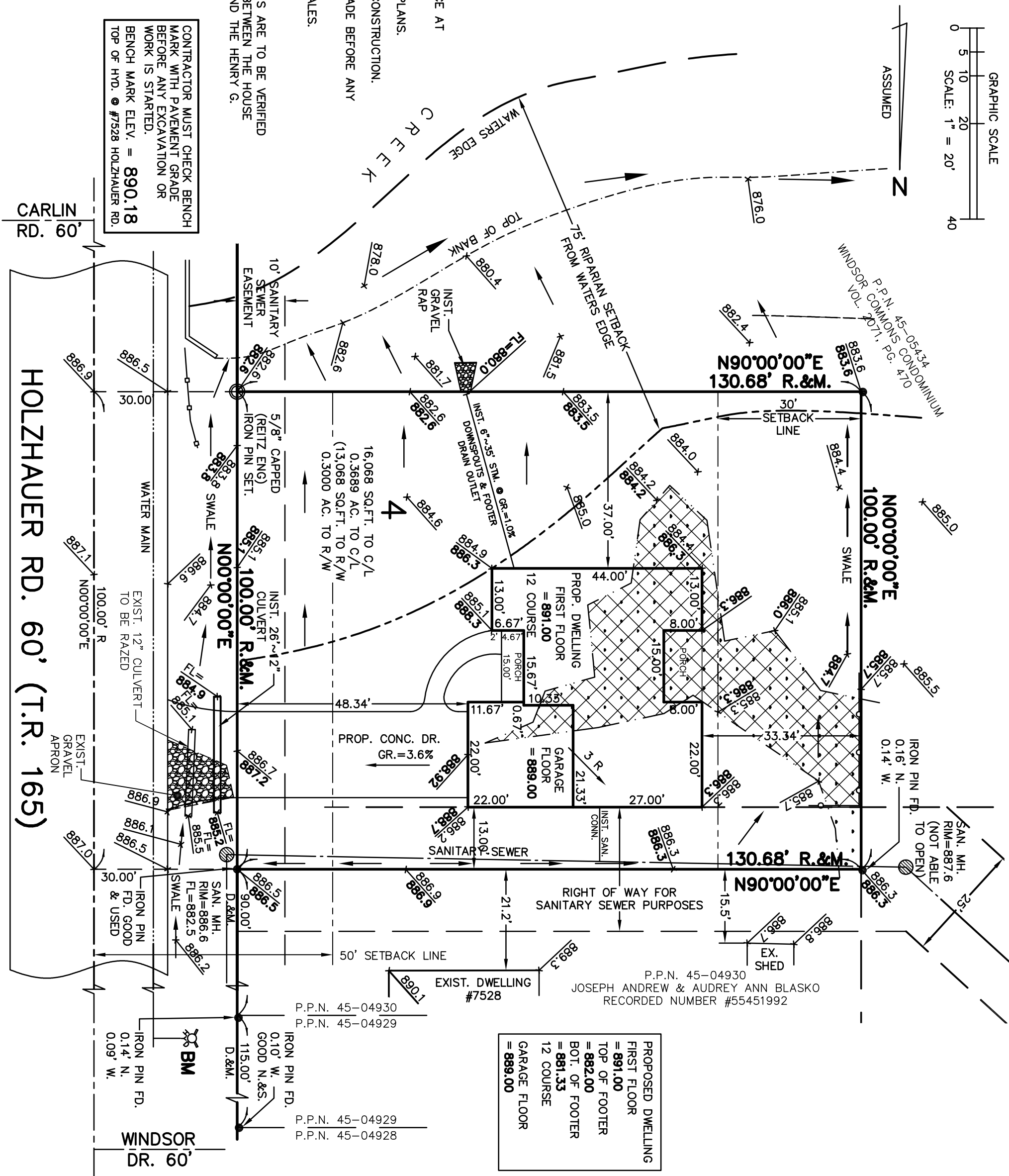
—○— DENOTES CONSTRUCTION FENCE TO BE INSTALLED

— — — — — DENOTES 75' RIPARIAN SETBACK LINE

• DENOTES EXISTING WETLANDS AREA

 DENOTES PROPOSED WETLANDS AREA TO BE IMPACTED (0.0400 ACRES)

DENOTES DIRECTION OF FINISH RUNOFF

$$\text{ELEVATIONS SHOWN} = \frac{\text{EXISTING}}{\text{(PROPOSED)}}$$




DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BUFFALO DISTRICT
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

May 20, 2019

Regulatory Branch

SUBJECT: Request for Reaffirmation of NWP 29 for Department of the Army Permit No. LRB-2018-00406

David Snyderburn
19206 Rashell Road
Bedford, OH 44146

Dear Mr. Snyderburn:

This is in reply to your April 11, 2019 submittal in which you requested a reaffirmation of the Nationwide Permit 29 affirmed on June 19, 2018 under Department of the Army (DA) Permit No. LRB-2018-00406. Specifically, you seek to discharge fill into 0.04acre of federal wetlands in association with the construction of a residential house located west of Holzhauer Road, in Sagamore Hills Township, Summit County, Ohio.

I thoroughly considered your request. Based upon our evaluation, I concluded your request will not result in any unacceptable environmental or navigational impacts. Therefore, I am reaffirming the NWP within the increased fill amounts under DA permit No. LRB-2018-00406 to reflect the changes outlined in your request and identified on the attached drawings.

All other terms and conditions of the NWP affirmed on June 19, 2018 under Permit No. LRB-2018-00406 remain in full force and effect.

Questions pertaining to this matter should be directed to Peter Krakowiak at (716) 879-4363, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207, or by e-mail at: Peter.J.Krakowiak@usace.army.mil

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Krakowiak", is written over a horizontal line.

Peter J. Krakowiak
Biologist

Enclosures

Know all Men by these Presents

That,

WETCO HOLDING COMPANY, an Ohio General Partnership

, the Grantor ,

who claim title by or through instrument , recorded in Volume , Page , County

Recorder's Office, for the consideration of One and no/

----- (\$ 1.00)

received to its full satisfaction of

JEFFREY SNYDERBURN and DAVID SNYDERBURN

the Grantee s,

whose TAX MAILING ADDRESS will be

do

Grant, unto the said Grantee s, their heirs and assigns, the following described premises, situated in the Township of Sagamore Hills , County of Summit and State of Ohio:

and known as being all of Lot No. 4 in the Greenwood East Subdivision, as recorded in Plat Cabinet L, Slide 153 of Summit County Records of Plats.

Property also known as: Lot 4 Greenwood East Subdivision, Sagamore Hills, OH 44067.

P.M. #45-03620

P.P. #NF-00026-95-014.000



ADDITIONAL NOTARY CLAUSE

STATE OF Ohio)

COUNTY OF Summit) ss. Before me, a notary public, in and for said County, personally appeared the above named

T. W. Billings, a General Partner of Wetco Holding Company, a General Partnership

who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Sagamore Hills, this 3rd day of June, 1997.

10962
TRANSFERRED IN COMPLIANCE WITH
SEC. 319.202 REV. CODE A.D. 1997.

Consideration \$ 52,000.00 FEE \$ 208.00
JAMES B. MCCARTHY BY P. Law
County Auditor Deputy Auditor

Nancy-Anne Wargo
Notary Public

NANCY-ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2001
Recorded in Summit County

TRANSFERRED

57 JUN 20 AM 9:06

CLERK OF SUMMIT COUNTY AUDITOR

be the same more or less, but subject to all legal highways.

NF 6-20-97 21 Description Approved By
 26 TAX MAP DEPARTMENT
 WIDLAND COMMERCIAL GROUP
 ORDER # 45588 CR

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantees, their heirs and assigns forever.

And Wetco Holding Company, an Ohio General Partnership the said Grantor, do ^{as} for itself and its successors and assigns ~~administrators~~ covenant with the said Grantees, their heirs and assigns, that at and until the ensealing of these presents, it is well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever EXCEPT all legal easements, restrictions, conditions of record and taxes and assessments prorated to date of transfer and EXCEPT for those restrictions which violate the Fair Housing Act of 1968

and that it will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantee s, their heirs and assigns, against all lawful claims and demands whatsoever EXCEPT as aforementioned.

In Witness Whereof we have hereunto set our hands, the 2nd day of JUNE, in the year of our Lord one thousand nine hundred and ninety-seven.

Signed and acknowledged in presence of

WETCO HOLDING COMPANY, an Ohio General Partnership

BY: X Katherine L. Wargo
witness as to Wargo KATHERINE L. WARGO, a General Partner and

BY: X T. W. Billings
witness as to Billings NANCY-ANNE WARGO T. W. Billings, a General Partner
witness as to Billings MARILYN E. PTAK

State of Ohio } Before me, a notary public, in and for said County, personally
LEE County, ss } appeared the above named

Katherine L. Wargo, a General Partner of Wetco Holding Company, an Ohio General Partnership who acknowledged that she did sign the foregoing instrument, and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Benita, OH, this 2nd day of June, A. D. 19 97.

This instrument prepared by

Robert M. Thomson
Attorney at Law
423 Key Bldg.
Akron, OH 44308

Notary Public

WETCO HOLDING COMPANY,
an Ohio General Partnership

TO

JEFFREY SNYDERBURN
and
DAVID SNYDERBURN

Transferred

19

COUNTY AUDITOR

State of Ohio

County of

ss

Received for Record on the

day of 19

at o'clock M.

and Recorded 19 in

Deed Book

Page

COUNTY RECORDER

Recorder's Fee \$

Wetco Holding

54030084
Page: 2 of 3
06/20/97 09:36A



Property known as Lot 4 Greenwood East Subdivision

Subject to the following restrictions:

- (A) Until such time as Buyer commences the construction of a dwelling the Property in accordance with Plans approved by Greenwood Trading Corporation as established under the deed restrictions, Buyer shall properly maintain said lot (including the cutting of all grass during the growing season.)
- (B) Buyer and Buyer's General Contractor shall be responsible for erosion control on his individual lot prior to, and during construction.
- (C) Buyer agrees to restore all drainage swales and grass which may be destroyed during construction along the front of said lot to original present condition.



James B. McCarthy

DE

18.00

54030084

Page: 3 of 3

06/20/97 09:36A



Planning Commission
Zoning Text Amendment
Fences
Twinsburg Township

Item No.: 4
Meeting: June 27, 2019
Applicant: Twinsburg Township Zoning Commission
Proposal: **Fences**
Processor: Stephen Knittel

Proposal: Twinsburg Township Zoning Commission is proposing an amendment of Ch. 17 General Provisions to establish the ability for residential property owners to have front yard fences, provided that they do not exceed 4 ft. in height. Currently no fences are permitted closer than 25 ft. to any right-of-way.

Proposed Text Amendments: Text that is ~~struck through~~ is text proposed for deletion, new proposed text is underlined.

CHAPTER 17 GENERAL PROVISIONS

17.1-17.10 [no change]

17.11 Fences. Fences shall be constructed not closer than one foot to any right-of-way in any R district, shall be constructed not closer than 25 feet to any right-of-way in any other district, shall not exceed eight feet in height in the C, IMU, and I Districts, and shall not exceed six feet in height in any other district, and shall not exceed four feet in height when constructed closer than 25 feet to any right-of-way in any R district. The location, composition, and structure of any fence shall, at a minimum, conform to the standards and regulations of the Summit County Building Department. Fences constructed within the Business or Industrial Districts shall conform to the specific requirements of each District and shall, at a minimum, conform to the standards of the Summit County Building Department governing their structure, composition, appearance and location. Barbed wire, razor wire, and similar fences are prohibited, except that barbed wire fences shall be permitted in the I District, provided that they are located behind the building line and not less than 50 feet from any property zoned or used for residential purposes, and provided that any barbs are no closer than six feet to the ground. Electrified fences are prohibited. All fences shall be positioned at a distance of not less than one (1) foot inward of the property lines along which they will be installed and their horizontal supports or braces shall face to the inside of the property and the finished side shall face outward. Permits will not be required for the installation of temporary seasonal fences such as snow-fences.

17.12-17.20 [no change]"

Staff Comments:

Summary of the changes proposed:

17.11 – add language to allow for front yard fences in residential areas.

Comments:

- The height of 4 ft. for a front yard fence is fairly standard in Ohio zoning codes where front yard fences are permitted.
- Often design guidelines are included as well, staff would recommend the township consider adding language about the type of fencing permitted in front yards, many places prohibit chain link fencing in the front yard.
- Consider including language regulating the opacity of the fence, for instance Cuyahoga Falls zoning states: *Have a void of at least 50% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.*
- Consider including language that states fencing shall not impair line of sight when entering/exiting a driveway.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.